

D E B E V O I S E & P L I M P T O N L L P

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October 22, 2013

VIA ECF

The Honorable Thomas P. Griesa
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Gonzalez, Evaristo, and Maldonado v. Empire Corner of 8, Inc., et al.
Case No. 12 Civ. 6167 (TPG)

To the Honorable Judge Griesa:

We represent the plaintiffs in the above referenced matter. I write to withdraw plaintiffs' request for a pre-motion conference pursuant to Local Civil Rule 37.2, which was filed on October 11, 2013. The request concerned related third-party witnesses who had not complied with a subpoena duces tecum. The witnesses have now provided the information sought in the subpoenas. Accordingly, plaintiffs no longer intend to file a motion to compel compliance with the subpoenas pursuant to Federal Rule of Civil Procedure 37.

Respectfully submitted,

s/ Stuart C. Naifeh

Stuart C. Naifeh

Cc Stephen B. Irwin, Esq. (via ECF)
 Mark Altschul, Esq.